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Argentina's Immigration Legislation

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Immigration has always been a problem for all countries. The legislation on immigration has also constantly been important in how countries have dealt with the problem. Argentina's treaty with Great Britain in the early 19th century helped to start a policy of toleration in the country. However, there was still a way of thinking in Argentina that one particular group of people, Northern European Catholics, were superior to others and Argentina was hoping to attract them to their country. They hoped that by advertising in the right areas and saying the right things that they would attract them. Unfortunately it did not always work out that way and Argentina had to deal with the groups of people that did come over.

In February of 1825 a treaty titled Treaty of Friendship, Trade and Navigation was signed between Argentina and Great Britain. This treaty seemed to put Argentina on equal ground with Great Britain which was the superpower of the time. However, there was one clause in the treaty that caused Argentina to pause because they felt that it was controversial. It was Article XII which said that British subjects who were living in Argentina were to "be neither harassed nor persecuted nor troubled for religious reasons. They will enjoy perfect freedom of conscience there and may celebrate Divine Worship either at home or in special churches and chapels that they will be authorized to build and maintain in suitable places approved by the government of the said United Provinces."¹ This also meant that Argentines living in Great Britain got the same rights. The reason why this was such a problem though was that in Argentina they were strict Catholics and had issues with non-Catholics. Even though they signed this treaty it was up to the individual provinces to enforce it and in Córdoba and Santa Fe they "declared that non-

¹ Avni, Haim, *Argentina and the Jews*, trans. Gila Brand (Tuscaloosa: University of Alabama Press, 1991), 4.

Catholic worship violated their laws and could not be permitted within their boundaries. Other provinces followed suit.”² A governor in San Juan did try and get religious tolerance in his local constitution but was forced out of office for it and the document was burned in the town square. Twenty-eight years later the Argentine Constitution was drafted and religious toleration was greatly debated. Argentina wanted to be able to attract immigrants but they would have to accept everyone regardless of faith. In the end religious toleration was put in with the restriction that only Roman Catholics would be able to become president.³

Juan Bautista Alberdi, a Chilean exile, became a prominent man in Argentina after the fall of Juan Manuel de Rosas and wrote a book that became very important and was used in the writing of the Argentine Constitution. One of his topics was immigration and about how “Argentina, which was closed to immigration until its independence and even afterward, was fighting a law of nature under which a backward country was obligated to open its doors to civilization.”⁴ Alberdi, as well as the upper classes of Argentina felt that the Indians as well as the racially mixed gauchos and the Hispano-American lower classes were inferior to themselves or those living in Europe. He also believed that to attract immigrants economic development needed to be promoted and that their futures needed to be assured. Immigrants needed to be promised full civil equality while not being required to become full citizens or fulfill other national requirements. Englishmen, Germans, and Swiss were the three countries he specifically mentions; while he was pessimistic towards immigration from Spain and was completely

² Ibid.

³ Ibid., 3-5.

⁴ Ibid., 8.

indifferent to possible arrival of immigrants from Italy or Eastern Europe, his definition of “Europe” was very small.⁵

The men gathered to discuss the writing of the Constitution all agreed on the idea that there should be full equality for immigrants, citizens, and foreigners; which meant that there was to be equality before the law, right to a fair trial, and a protection of personal property. They also received freedom of speech, press, assembly, study, and to teach, as well as to be able to come and go as they pleased, engage in business, and look for employment. Immigrants could become citizens after they had lived in Argentina for two years but it was not required and after becoming citizens they were exempt from the military for the next ten years. The men started to disagree, however, when it came to the rights that non-Catholic immigrants were going to receive. When it was finally all decided they were going to be assured their freedom to engage in business, personal status, and property rights, but as a religious group they would be treated almost as equals.⁶

In 1853 the governor of Corrientes signed an agreement with a French physician to bring forty thousand immigrants over to Argentina from Southern France over the next six years. These immigrants would be settled along the northern border of Corrientes. Aarón Castellanos in Santa Fe presented the regional government with a plan to settle a thousand European families onto governmental lands in the northern areas, which also happened to be the area beset by ravaging Indians. There are many more examples of these types of plans which show that immigrants were expected to be farming land and helping to expand the territory of the country. The coming of immigrants to Argentina

⁵ Ibid., 9-10.

⁶ Ibid., 10.

was seen as something that was supposed to be planned and orderly. However, after all the fuss about non-Catholics, some of the plans involved bringing over Protestants, so religion was not a determining factor after all in getting immigrants to come to Argentina.⁷

In September of 1854, a law in Buenos Aires was passed to prevent the exploitation of newcomers to the country by the men that had organized and financed their trip overseas. Two years later some men decided to found a philanthropic society to help the new, poor immigrants. They built a hostel that would hold a hundred and fifty immigrants, providing food and shelter for their first four days in the city of Buenos Aires. Members of Argentina's oligarchy were providers to the hostel, which gives the insinuation that the immigrants were expected to find their own way to Argentina without the immigration agents and contractors.⁸

The authorities of Buenos Aires and the Argentine Confederation had different views on how immigration should occur, although both did agree that immigration was necessary. The Confederation viewed immigration as a way of altering economic and social realities where immigrants would work to develop the agriculture and increase the percentage of cultivated land. In contrast to the Confederation's view Buenos Aires wanted to maintain the traditional model of cattle ranching as the primary source of national wealth. When Buenos Aires joined the Confederation, immigration efforts had already endured numerous setbacks which led to the need of federal intervention and a controversy was growing about what type of intervention was needed. General Bartolomé Mitre, who was president from 1862-1868, believed that "spontaneous" immigration was

⁷ Ibid., 10-11.

⁸ Ibid., 11.

the key to getting people to come to Argentina. This means that he wanted to attract immigrants without the government involving itself in the arrangements to bring them over. On the other hand, the second president, from 1868-1874, Domingo Faustino Sarmiento, believed in planned, sponsored immigration. His plan did not come about during his term, but legislation was finally passed under his successor Nicolás Avellaneda, who was president from 1874-1880.⁹

The Immigration and Colonization Law was presented and did not exclude spontaneous immigration but it did aim at seeking out immigrants from Northern Europe. From this law two departments were to be established: the Immigration Department and the Office for Land and Colonies. The Immigration Department would be responsible for developing a group of agents in Europe to get information out to the citizens and organize them when they wanted to come over to Argentina. The department would also be responsible for helping them disembark and find jobs once they landed in Argentina, as well as help with any legal troubles they might run into with the authorities. Through this they would also be exempted from the customs duties on their luggage and were permitted a free five-day stay at the hostel and helped to find a job from the employment bureau. If the department felt a group's morals and standards were high enough they would then receive extra benefits such as a refund on their tickets. Farmers willing to settle in colonies established by the government would receive loans to cover their transportation expenses from the port to the colony as well as a free stay at the immigrants hostel in the colony until they could complete their living arrangements. The

⁹ Ibid., 11-12.

first hundred settlers would also get a free hundred hectares of land as a gift for deciding to settle in the colony.¹⁰

The proposed law included 137 clauses which would deal with almost every aspect of the immigrant's voyage over to Argentina. Two funds would also be set up for financing immigration and colonization. This bill passed through the House of Representatives without any opposition. This was not the case when it reached the Senate. It was stalled in the Senate for over a year. The main reason why two men opposed the bill was that they thought the country was taking on more than they could handle financially. By this point the question on moral standards had become less of an issue compared to the financial aspect of the law. The Senate failed to block the law in the long run, but some supporters of spontaneous immigration did succeed in lowering the impact of some of the clauses. It was finally passed on October 19, 1876 and remained in use for the next sixty years.¹¹

Argentina's government knew that they needed to be able to catch the attention of the people in Europe to get them to choose Argentina, over Canada or the United States, so they spent more money on advertising than any other country, short of the United States. However, the advertising they did was often very misleading. Prospective immigrants were told that it would be easy without assets to get their own land and that "'virgin land' was 'subdivided and sold by the owner on very easy terms.'"¹² Instead the fertile land was owned by a couple of rich families who were using the land to grow grass for pastures. They were also expecting higher wages than back home. Argentina's wages

¹⁰ Ibid., 12-13.

¹¹ Ibid., 13-14.

¹² Solberg, Carl E., "Peopling the Prairies and the Pampas: The Impact of Immigration on Argentine and Canadian Agrarian Development, 1870-1930." *Journal of Interamerican Studies and World Affairs* 24, no. 2 (1982): 135.

were about double the wages in Italy and Spain, but so was the cost of living, so it did not improve their living conditions like they had hoped.¹³ Occasionally the government would employ recruiting agents and between the years of 1888 and 1890 they paid for 132,000 Europeans to cross the ocean to Argentina. The policy of allowing all fit Europeans into the country, regardless of ethnic background, was an integral part of Argentina's success in attracting large numbers of immigrants. However, after 1910 another policy was put into place that limited "anarchist agitators" because it was felt that they were dangerous to the country.¹⁴

While Argentina had the open door policy for all ethnicities and religions, they still had the group of people they felt were superior to others that they wanted to attract to their country. In the late 1890s the largest groups of people coming over were from Southern and Eastern Europe, while these people were welcomed they were not the superior group Argentina was hoping for. They were hoping for the Northern Europeans, but attempts to attract the people from Germany, Britain, Scandinavia, and the Low Countries were unsuccessful. Italian and Spanish immigration were encouraged as well but Northern Italians and Basques seemed to have received a more kindly reception than did the Sicilians and Andalusians.¹⁵

The Treaty of Friendship, Trade and Navigation helped to establish a precedent in Argentina of toleration for others and to help them when they were writing their constitution as well as their immigration legislation. When they contracted out for recruiting agents they did not always get the groups of people they were hoping for, but they did get millions of immigrants to help settle their unpopulated lands. Argentina had

¹³ Fox, Geoffry. *The Land and People of Argentina*. (New York: J. B. Lippincott, 1986). 52.

¹⁴ Solberg, 135.

¹⁵ Ibid., 136.

to deal with the people they did get and they tried the best they could with the resources they had and the laws they had written. In the end religion had very little to do with the legislation and monetary concerns were what limited the laws that were put into effect.

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